



United States Mission to the OSCE

Statement on Free Media

As prepared for delivery by Dorothy Douglas Taft,
Deputy Chief of Staff, U.S. Helsinki Commission
to the OSCE Human Dimension Implementation Meeting
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Mr. Moderator, OSCE participating States all voluntarily signed the 1991 Moscow Document, which states, "Free and independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms." Unfortunately, throughout last year the media in several states in the OSCE region have been anything but free and there is cause for considerable concern.

The main responsibility for ensuring that media can work freely and independently lies with governments of participating States, which must not violate the right to freedom of expression, even in times of heightened security concerns. Despite this responsibility, government treatment of media has deteriorated markedly in many OSCE countries, both east and west of Vienna. In many cases, government officials and their allies in the business community have used lawsuits, administrative regulations, and the charge of libel, as well as harassment to stifle independent journalism. In other cases, authorities have looked the other way when shady businessmen or organized crime groups harass and even murder journalists whose reporting threatens their abilities to continue committing crime and corruption. We need urgent corrective action to stop this progressive strangulation of the media.

Russia is among the most dangerous places in the OSCE region for journalists. Thirty journalists were killed in the Russian Federation in the last decade, twelve since 1999. Maksim Maksimov of the daily *Kommersant* has been missing for over a year. Reports indicate that three police investigators are prime suspects in his disappearance and possible murder. On June 28, journalist Magomedzagid Varisovgamed was gunned down on the streets of Makhachkala, reportedly as retribution for his investigative reporting. Since the murder of Russian-American investigative reporter Paul Klebnikov in Moscow in 2004, numerous other foreign journalists have been detained and harassed while in Russia. Recently, Nikolai Goshko and Eduard Abrasimov were sentenced prison colonies for defamation of public officials. In addition to attacks on and politically motivated prosecution of journalists, we are deeply concerned by the shrinking independence and diversity of Russian media outlets and content. We strongly support the call of the OSCE Representative on Freedom of the Media's for the repeal of defamation from criminal codes and urge him to visit Russia soon to investigate the abuses of journalists and restrictions on media freedom.

Belarus' regime continues to consolidate its monopoly on information. Attempts to stifle the besieged independent media in that country have only intensified, with suspensions of newspapers, crippling fines, and specious libel suits to muzzle dissenting voices. The law has become a strait jacket that restrains, rather than protects, free speech. In August, the Belarusian Government once again conjured up spurious legal grounds to deregister the

publishers of the independent weekly newspapers *Den* and *Kuryer iz Borisova*. After raiding their homes and confiscating personal property, Belarusian authorities are also now proceeding with criminal slander cases against three individuals allegedly involved in posting satirical political cartoons on the Internet. We note that, in his March report, OSCE Representative on Freedom of the Media Haraszti offered to assist Belarus in reforming its media laws, including exceedingly harsh provisions on libel that are used to undermine free speech. We regret that Belarus has ignored the findings and recommendations in Mr. Haraszti's report.

Looking elsewhere, we welcome Turkey's efforts to enact a new Penal Code that more clearly defines the elements of the crime of "incitement to hatred," including the requirement that the speech in question must create a "clear and present danger." A new press code also makes it more difficult to close publications and improves protection for private sources. While these steps are welcome, we regret that journalist Hakan Albayrak served six months in prison for insulting the memory of Mustafa Kemal and journalist Sabri Ejder Ozic was convicted for insulting parliament. We agree with the statement in the Council of Europe's Committee of Ministers "Declaration on freedom of political debate in the media" (February 12, 2004) that "the state, the government or any other institution of the executive, legislative or judicial branch may be subject to criticism in the media. Because of their dominant position, these institutions as such should not be protected by criminal law against defamatory or insulting statements."

While Serbia enjoys relatively free and open media consistent with the rest of the Balkan region, there are still insufficient professional standards, and the government lacks the institutional means and the political will to ensure against abuse and manipulation of the media. For example, a Serbian minister recently insulted a reporter from B92 Radio and Television during a press conference after she asked about the court case against the son of Slobodan Milosevic. Following the press conference, the minister's media advisor approached the reporter, threatening to kill B92's owner, Veran Matic. Given the continuing challenges of Serbia's democratic transition, such a comment cannot be taken lightly. Moreover, on August 30, 2005 the Serbian parliament amended the Broadcasting Act to extend the deadline for local media privatization from mid-2006 until late 2007, effectively hampering the independence of media in Serbia by providing government subsidized competition to private media outlets, and by allowing local government officials and politicians to dominate media messages in their areas. Under other amendments adopted on August 30, members of Serbia's Broadcast Council appointed by the government now have longer terms than their counterparts nominated by NGOs or professional organizations (the Council oversees broadcast licensing and frequency allocations throughout Serbia). The U.S. will continue to monitor developments and advocate measures to enhance the further development of Serbia's media.

In Central Asia, freedom of the media remains a distant dream. Fifteen years after independence, there is not one independent media outlet in Turkmenistan or Uzbekistan. In both countries, censorship continues unabated. We are particularly concerned over concerted efforts by Uzbek authorities against Nosir Zokirov and his colleagues working for Radio Free Europe/Radio Liberty. In Kazakhstan, we regret the closure of *Respublika* newspaper for the publication of an interview with Vladimir Zhirinovskiy. TV remains solidly in government hands. The TV situation will be an increasingly important issue as the December 2005 presidential election nears. In Tajikistan, the authorities target independent media outlets. Earlier this year, the independent *Somoniyon* TV station was closed and the independent TV

station *Guli Bodom* was suspended. More recently, the independent newspaper *Neru-i Sukhan* was ordered closed on 13 July, only a week after the authorities allowed it to continue publication. These are examples of how legislation mandating burdensome technical requirements is used to stifle independent media in Tajikistan.

In Azerbaijan earlier this year, Elmar Huseynov, the founder and editor of the opposition weekly news magazine *Monitor*, was gunned down in his apartment building in Baku. The Government of Azerbaijan continues to investigate this case. Meanwhile, the state-controlled media has recently been a forum for political mudslinging by the party in power. As the November parliamentary elections approach, government-affiliated newspapers and TV stations have resorted to the lowest tactics to tarnish prominent opposition leaders, raising serious questions about the possibility of a level playing field for candidates during the pre-election period. The new public TV station debuted on August 28, with assurances from the Government and the head of the station that all candidates would be afforded equal access as the elections approach.

In Armenia, media critical of the government continue to experience considerable pressure. Specifically, A1+ is still barred from the airwaves, despite intervention from the OSCE's Representative on the Media, the Council of Europe and foreign capitals.

As we have seen, despite our commitment to ensuring media freedom and independence in the OSCE region, journalists continue to be arrested, barred from covering important events, and killed. It is time that we recommit ourselves to the core OSCE commitments in the field of media freedom. All participating States should foster, rather than hinder, a free media throughout the OSCE region.